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EXAMINER

SITTNER, MATTHEW T

ART UNIT

PAPER NUMBER

3629

MAIL DATE

DELIVERY MODE

03/16/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/526,319	Applicant(s) ALONSO ET AL.	
	Examiner MATTHEW SITTNER	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 59-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 59-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/02/2010 has been entered.

Status of Claims

2. Claims 1-58 have been canceled.
3. Claims 59, 65-67, and 71 are amended by the papers filed on 03/02/2010.
4. Claims 59-72 are pending and have been examined.
5. This action is in reply to the papers filed on 03/02/2010.

Amendment

6. The present Office Action is based upon the original patent application filed on 02/25/2005 as modified by the amendment filed on 03/02/2010.

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Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

8. Claims 59-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over:

Petite et al. US PGPub. 2002/0125998 (**Petite**); in view of

Dividock et al. US Pat. 6,078,255 (**Dividock**); in further view of

Labeledz et al. US PGPub. 2008/0065456 (**Labeledz**).

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59. (Currently amended) A method for managing security personnel on a real property site, such as a building, an office complex comprising a number of buildings, and/or a property management company having multiple buildings and multiple sites, comprising the steps of:

Petite et al. US PGPub. 2002/0125998 (Petite) discloses a system and method for monitoring and controlling remote devices. See Petite at Abstract and at Summary of the Invention.

ABSTRACT:

The present invention is generally directed to a system for monitoring a variety of environmental and/or other conditions within a defined remotely located region. In accordance with one aspect of the invention, a system is configured to monitor utility meters in a defined area. The system is implemented by using a plurality of wireless transmitters, wherein each wireless transmitter is integrated into a sensor adapted to monitor a particular data input. The system also includes a plurality of transceivers that are dispersed throughout the region at defined locations. The system uses a local gateway to translate and transfer information from the transmitters to a dedicated computer on a network. The dedicated computer, collects, compiles, and stores the data for retrieval upon client demand across the network. The computer further includes means for evaluating the received information and identifying an appropriate control signal, the system further including means for applying the control signal at a designated actuator.

Petite's remote devices may be used to manage and monitor a real property facility (i.e. the claimed real property management system).

The system has both monitoring and reporting features.

Monitoring: [0003, 0013, 0015, 0021, 0024, 0032, 0033, 0034, 0048-0049, 0071-0073, 0089-0093] Fig. 2, 6, 7, 8.

Reporting: [0003, 0009, 0013, 0016, 0033, 0052] Fig. 7.

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Dividock et al. US Pat. 6,078,255 (Dividock) discloses a system for logging premises hazard inspections. See Dividock at Abstract and at Summary of the Invention.

ABSTRACT:

A floor safety inspection system uses computer technology to document floor safety walk-around inspection tours by employees and to report the results remotely. Electronic encoding devices represent inspector identity, location and type of hazard situation encountered at the location, which are recorded to identify and remove hazards such as slip-and-fall hazards, to document safety inspections made and to provide evidentiary defense against claims and lawsuits. The system includes software, portable data collectors, electronically encoded buttons, modems, a downloading cradle, and a personal computer. A floor inspector enters his or her identity at the portable data collector, proceeds to visit encoded locations, and checks for and enters codes representing hazards encountered (and preferably also hazards that have been cleaned up). The date and time are recorded with each code. Periodically, data is collected centrally from the portable collector, which is placed in a docking cradle coupled to a modem, by polling over telephone lines (or another communications pathway) from a central computer. The data is processed to provide chronological, management, and exception reports, for auditing compliance with assigned floor inspection tours and for statistical analysis of hazards.

Labeledz et al. US PGPub. 2008/0065456 (Labeledz) discloses a system and method for managing maintenance of building facilities. See Labeledz at Abstract and at Summary of the Invention.

ABSTRACT:

The present invention relates to a system for managing operational facilities that is of the type which utilizes predefined events to carry out managing operations for the facilities. The system includes one or more servers adapted to receive events from a client and forward the events to a clearinghouse via a communication link. The system further includes one or more clients, each of which has a unique login identity, adapted to selectively send events to the server via the communication link. Also included is a clearinghouse connected to each of the server and each of the client via the communication link for selectively storing data from each server and each client in a database, and being adapted to selectively authorize predetermined events by each client according to the login identity of each such client, to selectively schedule predetermined events in response to data stored in the database and to monitor the status of all events stored in the database.

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Petite may or may not expressly disclose the following:

a) inputting into a system database information regarding a plurality of security tours within the real property site, including a plurality of posts to be visited on each of said plurality of tours and instructions describing tasks to be performed at each of said posts;

However, Petite does disclose computers, servers, and databases which record and store information/data concerning remote real property sites. See Petite at [0013, 0014, 0015, 0046, 0052].

If Petite does not expressly disclose the claimed features, then, Dividock et al. US Pat. 6,078,255 (Dividock) does disclose the claimed features.

Further, an inspection tour with posts and scheduled tasks as claimed is old and well known in the art.

Dividock's system provides electronic means to ensure that an employee successfully completes a pre-planned tour of an area. See Dividock at Abstract and Summary of the Invention. See also Background of the Invention for an excellent recital of the prior art in this area. For example, Dividock cites U.S. Pat. No. 3,781,845 to Ellul. Ellul's application was filed in 1972 and discloses a system for verifying that security guards have visited each location along an inspection route.

Dividock discloses using prior collected data for use in statistical analysis, management and for auditing compliance. See Dividock at Abstract.

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Further, it would be obvious to one of ordinary skill in the art to use prior information collected from a building or inspection tour to develop future tours or to make modifications to existing tours.

For example, if collected data shows that a certain high traffic area has a statistically greater number of accidents or spills it would be obvious to increase the frequency of inspection and clean up in that area (i.e. more frequent inspections near the dairy area to clean up or look for broken or spilt milk and eggs; more frequent inspections near an exterior entrance when there is the presence of rain or snow; etc...).

Dividock at col. 4, lines 55-60 discloses reports which can be analyzed statistically to pinpoint problem areas within a business premises, and to identify opportunities to decrease the occurrence of slip-fall hazards.

The reports can be used to audit compliance with predetermined floor safety inspection procedures such as a desired route and span of inspection. The reports can be analyzed statistically to pinpoint problem areas within the business premises, and to identify opportunities to decrease the occurrence of slip-fall hazards. The reports also provide an impartial and unalterable record, and are useful to defend against claims and lawsuits brought by customers.

See also Dividock at col. 8, lines 60 – col. 9, lines 8; also disclosing pinpointing problems or incidents.

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Petite may or may not expressly disclose the following:

b) issuing a wireless handheld computing device to at least one security guard, said wireless handheld computing device comprising an updateable display means for presenting instructions to said security guard in real-time and input means for said security guard to enter data into said wireless handheld computing device;

However, Petite does disclose a portable device at [0025 and Fig. 3A, 0070 – remote laptop or other device].

[0025] FIG. 3A is a functional block diagram that illustrates a transmitter in accordance with the present invention integrated in a portable device with user operable buttons that trigger data transmissions as desired;

Dividock also discloses a handheld data collector which collects data and transfers that data to a central database/central computer. See Dividock at Abstract and Summary of the Invention.

ABSTRACT:

A floor safety inspection system uses computer technology to document floor safety walk-around inspection tours by employees and to report the results remotely. Electronic encoding devices represent inspector identity, location and type of hazard situation encountered at the location, which are recorded to identify and remove hazards such as slip-and-fall hazards, to document safety inspections made and to provide evidentiary defense against claims and lawsuits. The system includes software, portable data collectors, electronically encoded buttons, modems, a downloading cradle, and a personal computer. A floor inspector enters his or her identity at the portable data collector, proceeds to visit encoded locations, and checks for and enters codes representing hazards encountered (and preferably also hazards that have been cleaned up). The date and time are recorded with each code. Periodically, data is collected centrally from the portable collector, which is placed in a docking cradle coupled to a modem, by polling over telephone lines (or another communications pathway) from a central computer. The data is processed to provide chronological, management, and exception reports, for auditing compliance with assigned floor inspection tours and for statistical analysis of hazards.

SUMMARY OF THE INVENTION

The present invention provides an automated floor inspection system especially for establishments frequented by members of the public. The invention uses portable data collector technology to document floor safety walk-around inspection tours by employees, including the remote reporting of hazards or maintenance requirements and also the absence of such hazards, in a manner that provides an evidentiary record beyond the control of the establishment to alter.

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See also Dividock at cols. 3-4.

Further, it would be obvious to one of ordinary skill in the art to transfer the claimed data wirelessly.

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On pages 8-9 of Applicant's response, Applicant argues that his amendment is to clarify that all communications are performed in "real-time."

Specifically, Applicant has amended the independent claims to clarify that all communications in Applicant's system and method are performed in real-time, including all communications to and from the wireless handheld computing device as well as all alerts and generated reports. On page 13 of the Office Action, the Examiner cites Dividock, Col, 8, lines 44-67 as an example of real-time reports. Applicant respectfully submits that the cited portions of Dividock refer to "as-needed" reports that are only generated on a delayed basis if requested by the insurance company claim representative or defense attorney. By contrast, Applicant's reports are generated in real-time without waiting for a request from the property manager, security guard, or any other person. *See* specification, 7 [0091].

Applicant's amendment and arguments that "real-time" communications is not anticipated by the prior art and/or non-obvious over the cited prior art is unpersuasive.

The claims as amended remain rejected for at least the reasons stated below.

Obviousness

Applicant has amended his claims to include the addition of presenting information in "real-time!" Examiner argues that "the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." See KSR Int'l Co. v. Teleflex Inc.

Here, Applicant merely amends his claims to include the familiar element of "real-time" communication. Real-time communication was old and well known in the art at the time of invention. Further, Applicant's addition of real-time communication to the old and well known claimed devices yields predictable results. Applicant has failed to show or argue how his amendment has provided any new, novel, and/or useful improvement/achievement which would not have been obvious to one of ordinary skill in the art.

No Technological Advance

Further, Examiner finds that this amendment adds “no technological advance.” See MPEP 2143; *Leapfrog Enterprise, Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 82 USPQ2d 1687 (Fed. Cir. 2007). “Applying modern electronics to older mechanical devices has been commonplace in recent years.” *Leapfrog* at pg. 7.

Prior Art

Further, Petite discloses real-time monitoring. See Petite at [0006, 0009].

[0006] One way to classify control systems is by the timing involved between subsequent monitoring occurrences. Monitoring processes can be classified as aperiodic or random, periodic, and real-time. A number of remotely distributed service industries implement the monitoring and controlling process steps through manual inspection and intervention.

[0009] Lastly, a number of environmental and safety systems require constant or real-time monitoring. Heating, ventilation, and air-conditioning systems, fire reporting and damage control systems, alarm systems, and access control systems are representative systems that utilize real-time monitoring and often require immediate feedback and control. These real-time systems have been the target of control systems theory and application thereof for some time.

In addition, Labeledz discloses real-time wireless communication at [0046].

[0046] Turning now to FIG. 1, the system in which the present method can be implemented is generally indicated as part of a preferably wide area network 10. A plurality of client computers ("clients") 12 is connected to a plurality of network servers ("server") 14 via the network 10. As an example, the clients 12 can be network servers, which in turn are connected to workstations 16 within an intranet. In addition, the present invention can be implemented using a variety of connections, such as the Internet or wireless communication system. The connection functions primarily to allow the server and the client to communicate and transfer data preferably but not necessarily using real time communication.

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Petite may or may not expressly disclose the following:

c) wirelessly transmitting instructions for a security tour from said system database to said wireless handheld computing device in real-time, said instructions instructing said security guard to perform specific tasks on said security tour;

However, it would be obvious to one of ordinary skill in the art to employ wireless features to communicate or transmit instructions or information from a central system to a handheld computing device. The prior art teaches the use of pre-planned tours and communicating between the handheld device and a central system. Thus, wireless communication is merely an obvious implementation of new technology.

Further, Petite does disclose wireless transmitters which communicate information wirelessly. See Petite at [Abstract, 0014-0015 – wireless transceivers, 0020-0021 – wireless transceivers, 0053 – wireless transceivers, claims 1, 3-4, 34, 36, 44, 47, 52-53, 64].

[0053] It will be appreciated by those skilled in the art that the information transmitted and received by the wireless transceivers of the present invention may be further integrated with other data transmission protocols for transmission across telecommunications and computer networks other than the Internet. In addition, it should be further appreciated that telecommunications and computer networks other than the Internet can function as a transmission path between the networked wireless transceivers, the local gateways, and the central server.

In addition, Labeledz discloses wireless communication and real-time communication at [0046].

[0046] Turning now to FIG. 1, the system in which the present method can be implemented is generally indicated as part of a preferably wide area network 10. A plurality of client computers ("clients") 12 is connected to a plurality of network servers ("server") 14 via the network 10. As an example, the clients 12 can be network servers, which in turn are connected to workstations 16 within an intranet. In addition, the present invention can be implemented using a variety of connections, such as the Internet or wireless communication system. The connection functions primarily to allow the server and the client to communicate and transfer data preferably but not necessarily using real time communication.

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Labeledz further discloses using portable devices with wireless Internet access.

Labeledz at [0054, 0066 – wireless Internet connection with a web browser capability].

[0054] Although a process for the MCD with preloaded data and software is provided in FIG. 4, the present invention contemplates using portable devices with wireless Internet access, such as a Personal Digital Assistant or Pocket PC. The MCD, in this case, responds or sends events preferably by connecting to the web page directly on the MCD. As a result, there is no need to preload the MCD with software or data. The needed data will be displayed through the web page. In this instance, the MCD does not need the process described in FIG. 4. This alternative implementation is within the scope of the present invention.

See Examiner's arguments above addressing Applicant's "real-time" amendment and arguments.

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Petite may or may not expressly disclose the following:

d) displaying said instructions on said updateable display means of said wireless handheld computing device in real-time;

However, Dividock does.

Dividock discloses a portable data collector with an LED display. See Dividock at col. 6, lines 34-44.

Portable data collector 15 includes a touch probe 33 that is adapted to read the encoded information from a position marker button 5. Portable data collector 15 is preferably sized to be operated by hand, and includes means for prompting and/or alerting an operator to the successful acquisition of information from a position marker button 5, e.g., an LED display 34, bell, or buzz feature. Portable data collector 15 also includes an internal clock and memory to enter a record of the date and time at which position marker button 5 was successfully read.

Labeledz et al. US PGPub. 2008/0065456 (Labeledz) also discloses a mobile computing device with updateable display means. See Labeledz at [0009 – mobile computing devices that can be configured to display selective data, 0012 – mobile computing devices, 0017 – mobile computing device, 0021 & Figs. 8a-8d, 0046 – real-time wireless communication, 0053-0055 – portable mobile computing devices with displays and wireless Internet access, 0063-0065, etc...].

[0021] FIGS. 8a through 8d illustrate example displays of the mobile computing device;

[0046] Turning now to FIG. 1, the system in which the present method can be implemented is generally indicated as part of a preferably wide area network 10. A plurality of client computers ("clients") 12 is connected to a plurality of network servers ("server") 14 via the network 10. As an example, the clients 12 can be network servers, which in turn are connected to workstations 16 within an intranet. In addition, the present invention can be implemented using a variety of connections, such as the Internet or wireless communication system. The connection functions primarily to allow the server and the client to communicate and transfer data preferably but not necessarily using real time communication.

[0065] Four exemplary display screens on the mobile computing device are shown in FIGS. 8(a) to (d). As an example, assume that the previous selected task is an inspection of a specific job site, the TEP displays a first screen showing the name of the inspector, the name of the building, the address of the building, the location of the building for inspection, date, and the inspection type (shown in FIG. 8(a)). The user can change any of these fields at this point. In addition, from this first screen, the user can choose to start the inspection or exit the TEP. If the user chooses to start the inspection, the next screen is preferably a weekly inspection form shown in FIG. 8(b), since the first screen displayed a weekly inspection type. The user can

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select any of the items listed on the screen. The next screen shown in FIG. 8(c) is a display of the "signage, prices, labels correct" item in FIG. 8(b). Finally, FIG. 8(d) shows an example message screen for sending an email using the MCD. Many other screens are available and the arrangement of these screens can be changed and are within the scope of the present invention.

Further, Petite discloses real-time monitoring and real-time systems [0009], wireless transceivers [0014-0015, 0020-0021, 0053], portable devices [0025, Fig. 3A], and display [0064].

See Examiner's arguments above addressing Applicant's "real-time" amendment and arguments.

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Petite may or may not expressly disclose the following:

e) wirelessly receiving in real-time at least one completion notice or incident notice from said wireless handheld computing device, where said notice was inputted into the wireless handheld computing device by the security guard using said input means of said wireless handheld computing device;

However, it would be obvious to one of ordinary skill in the art to employ wireless features to communicate or transmit instructions or information from a central system to a handheld computing device or vice-versa. The prior art already teaches the use of pre-planned tours and communicating between a handheld device and a central system. Thus, wireless communication is merely an obvious implementation of new technology.

Further, Petite does disclose wireless transmitters which communicate information wirelessly. See Petite at [Abstract, 0014-0015, 0020-0021, 0053, claims 1, 3-4, 34, 36, 44, 47, 52-53, 64].

[0053] It will be appreciated by those skilled in the art that the information transmitted and received by the wireless transceivers of the present invention may be further integrated with other data transmission protocols for transmission across telecommunications and computer networks other than the Internet. In addition, it should be further appreciated that telecommunications and computer networks other than the Internet can function as a transmission path between the networked wireless transceivers, the local gateways, and the central server.

Labeledz et al. US PGPub. 2008/0065456 (Labeledz) discloses a wireless handheld device which allows the user (i.e. a security guard) to both send and receive information/data. Labeledz at [0065-0070].

See Examiner's arguments above addressing Applicant's "real-time" amendment and arguments.

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f) storing the data contained in said completion notice or incident notice into said system database in real-time;

Petite discloses storing data into a system database. Petite at [0052, 0070, 0075, 0085].

Labeledz also discloses storing data into a system database. Labeledz at [Abstract, 0012-0013, 0041, 0044, 0048, 0057, 0072-0073, 0078-0079, 0081-0082, claims 1, 3, 5-6, 9, 12, 14].

Further, it is old and well known in the art to store information and data of all types including completion notice or incident notice data into a system database.

See Examiner's arguments above addressing Applicant's "real-time" amendment and arguments.

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g) generating at least one notification in real-time substantially containing the data contained in said completion or incident notice; and

Petite's alarms and reports are construed as claimed alerts.

Petite [0009] discloses a plurality of systems which require real-time monitoring including fire reporting and alarm systems. Petite's system is directed to a computerized system for monitoring, reporting, and controlling remote systems and system information. [0013, 0042, 0068]. At [0068] Petite disclose associating various code segments with various alarms. This coding allows various responses to be made to various alarms. See [0093] for an example of some of the systems which may be controlled by Petite's system.

Petite at [0042] discloses central controller 130 which can be configured to forward alarm conditions to appropriate public safety officers. An alarm is a type or kind of an alert.

Dividock et al. US Pat. 6,078,255. Dividock discloses a floor safety inspection system which uses computer technology to document walk-around inspection tours by employees and to report the results remotely. Abstract. Dividock's invention uses portable data collector technology and remote reporting. Col. 4, lines 62-67.

Dividock discloses generating three types of reports. Chronological report provide a printout of each day's floor safety inspection tours, showing the identity of each employee, each time that a position marker was touched, and the recordation of any hazards. This chronological report is construed as the claimed real time reports. Col. 8, lines 44-67.

Other reports are exception reports and management reports.

Zaks et al. US PGPub. 2003/0078798 (Zaks) also discloses real-time reporting or real-time communication. Zaks at [0077] discloses daily reporting. Daily reporting is construed as claimed reports are generated in real time.

[0077] Referring to FIG. 10, the fourth tab of the work order request browser menu 154 is illustrated. A building detail tab 202 shows a building detail screen 204. The building detail screen 204 displays detailed information of each building, e.g., floor plans, building address, etc. A drawings area 206 provides a list of floor plans for the building selected in building field 160 (FIG. 8). The user selects a particular floor plan and clicks on a view drawing button 208. A drawing 210 of the floor plan appears, for example, as illustrated in FIG. 11. The drawing 210 includes drawing information 212, such as, for example, floor level, location, address, and date of drawing. A scale 214 is also provided on the drawing 210 for reference. Reporting Module 32 The reporting module 32 queries the database 62 that stores information from any module as submitted by a user through terminals 12, 14, 16, 18, or 20 of the system 10. The reporting module 32 provides a list of preconfigured reports that complies with various department needs (i.e., daily, monthly, or yearly reports). Referring to FIG. 7, the preconfigured reports that are available for each module are presented in the reports area 150 on the Intranet main menu screen 142. The data that comprises the preconfigured reports can be filtered to include specific data. Custom reports may also be generated based on one or more fields that better fulfill the user's business needs. The reports can also be exported to other applications, such as, for example, Microsoft Office applications.

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Petite may or may not expressly disclose the following:

h) communicating said notification to a property manager in real-time.

However Dividock does.

Dividock discloses reporting information to a manager. Dividock at col. 4, lines 40-55; col. 5, lines 5-20.

Further, it would be obvious to one of ordinary skill in the art to communicate important information to a manager or supervisor.

See Examiner's arguments above addressing Applicant's "real-time" amendment and arguments.

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Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of “Petite” and “Labeledz” and “Dividock” as a whole to produce the invention as claimed with a reasonable expectation of achieving: the property management features of Petite with the handheld device with display means of Labeledz, with the reporting and inspection tour features of Dividock.

Further, one would expect a high degree or level of success when combining these references as all the references seek to solve the same problem of managing a facility (See references’ Abstract and Summary of the Invention). Further, all references employ similar features to solve this problem. The references utilize remote sensors, computers, the internet, etc...

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Petite may or may not expressly disclose the following:

60. (Previously presented) The method of claim 59 wherein said incident notice is selected from the group consisting of one-time incidents, multiple time incidents, recurring incidents, and incidents that are not part of a tour.

Dividock discloses recording a plurality of incidents including one-time incidents (i.e. broken debris) or recurring incidents (i.e. maintenance-electrical/mechanical). Col. 3, lines 35-60.

Petite may or may not expressly disclose the following:

61. (Previously presented) The method of claim 59 wherein said incident notices are pre-inputted into the system database.

Dividock discloses codes which represent pre-inputted incidents or hazards.

Abstract and Summary of the Invention.

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Petite may or may not expressly disclose the following:

62. (Previously presented) The method of claim 61 wherein the incident notices are assigned a level of importance.

However, it would be obvious to assign a level of importance among incidents. For example, every good grocery clerk knows that a wet spill or broken glass is of the highest importance. While something which is dry or not an immediate slip-fall danger is of less importance.

Petite may or may not expressly disclose the following:

63. (Previously presented) The method of claim 62 wherein the incident notices are prioritized in order of importance.

It would be obvious to place a higher priority on incidents of greater importance (i.e. the wet spill has a higher priority over stocking shelves or cleaning a dry mess).

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64. (Previously presented) The method of claim 59 wherein said notification is selected from the group consisting of a text message to a mobile telephone, an instant message on a personal computer or wireless handheld computing device, a pop-up box on a personal computer or wireless handheld computing device, a signal to a pager, and an automated telephone call.

Petite discloses using a two-way transceivers or radios [0094] to communicate.

Further, sending out an alert via any of the claimed methods is old and well known in the art.

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65. (Currently amended) A method for managing security personnel on a real property site, such as a building, an office complex comprising a number of buildings, and/or a property management company having multiple buildings and multiple sites, comprising the steps of:

a) inputting into a system database information regarding a plurality of security tours within the real property site, including a plurality of posts to be visited on each of said plurality of tours and instructions describing tasks to be performed at each of said posts;

b) issuing a wireless handheld computing device to at least one security guard, said wireless handheld computing device comprising an updateable display means for presenting instructions to said security guard in real-time and input means for said security guard to enter data into said wireless handheld computing device;

c) wirelessly transmitting instructions for a security tour from said system database to said wireless handheld computing device in real-time, said instructions instructing said security guard to perform specific tasks on said security tour;

d) displaying said instructions on said updateable display means of said wireless handheld computing device in real-time;

e) wirelessly receiving in real-time at least one completion notice or incident notice from said wireless handheld computing device, where said notice was inputted into the wireless handheld computing device by the security guard using said input means of said wireless handheld computing device, and where said notice is received without a prior request;

f) storing the data contained in said completion notice or incident notice into said system database in real-time;

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g) updating the system database in real time of any changes or adaptations in said security tour based on new items or incidents reported by said security guard via said wireless handheld computing device or added by a property manager; and

h) notifying in real time said security guard via said wireless handheld computing device or said property manager of said changes or adaptations thereby allowing said security guard to adapt or change the security tour accordingly.

Claim 65, has similar limitations as of Claim 59, therefore it is rejected under the same rationale as Claim 59.

66. (Currently amended) The method of claim 65, further comprising the steps of:
a) generating at least one notification in real-time substantially containing the data contained in said completion or incident notice; and

b) communicating said notification to said property manager.

Claim 66, has similar limitations as of Claim 59, therefore it is rejected under the same rationale as Claim 59.

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67. (Currently amended) A system for managing security personnel on a real property site, such as a building, an office complex comprising a number of buildings, and/or a property management company having multiple buildings and multiple sites, comprising:

a) a database server for storing information regarding a plurality of security tours within the real property site, each tour including a plurality of posts to be visited on said tour and instructions describing tasks to be performed at each of said posts;

Petite discloses a database server at [0015, 0046, 0052, 0070, 0075, 0085].

b) at least one wireless handheld computing device comprising an updateable display means for presenting instructions to a security guard from the system in real-time and input means for entering data into said wireless handheld computing device;

Petite discloses a wireless transmitter at [Abstract, 0013 – remote devices, 0014-0015 – wireless transceivers, 0020-0021, 0025 – portable device, 0051 – data monitoring and control devices].

c) a networked server for allowing direct real-time wireless handheld computing device access to the system and the database server; and

Petite discloses a network at [Abstract, 0003 - wide area network (WAN) and using software applications hosted on a connected server to appropriately process the information, 0013 – server, 0015 – server, 0020, 0046 - Server 260 can be farther networked with database server 270 to record client specific data, 0051, 0053, 0069 – network server].

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d) an interface device for allowing at least one manager to input data into and receive data from the system in real-time;

Petite discloses an interface at [0013 – interface, 0015 – stand-alone device, 0060 – data and digital interface].

Claim 67 is a system claim. System and apparatus claims define structure. Thus, everything following “a) a database server...; b) at least one wireless handheld computing device...; c) a networked server...; d) an interface device...” is construed as ‘intended use limitations’ and ‘non-functional data’. Intended use limitations, in system/apparatus claims, are given little to no patentable weight.

Thus, any reference disclosing a computer with a database, server, and display would anticipate these claims.

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wherein instructions are wirelessly transmitted from said networked server to said wireless handheld computing device instructing said security guard to perform specific tasks on a security tour;

These features are construed as ‘intended use limitations’ and/or ‘non-functional data’.

wherein said instructions are displayed on said updateable display means of said wireless handheld computing device;

These features are construed as ‘intended use limitations’ and/or ‘non-functional data’.

wherein said security guard enters data into said wireless handheld computing device using said input means;

These features are construed as ‘intended use limitations’ and/or ‘non-functional data’.

wherein said entered data is wirelessly transmitted from said wireless handheld computing device to said networked server and thereafter stored in said database server;

These features are construed as ‘intended use limitations’ and/or ‘non-functional data’.

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wherein at least one notification is generated in real-time substantially containing the data entered by said security guard into said wireless handheld computing device; and

These features are construed as ‘intended use limitations’ and/or ‘non-functional data’.

wherein said notification is communicated to a property manager.

These features are construed as ‘intended use limitations’ and/or ‘non-functional data’.

Claim 67, has similar limitations as of Claim 59, therefore it is rejected under the same rationale as Claim 59.

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68. (Previously presented) The system of claim 67 wherein the data entered by said security guard into said wireless handheld computing device is selected from the group consisting of one-time incidents, multiple time incidents, recurring incidents, and incidents that are not part of a tour.

Claim 68, has similar limitations as of Claim 60, therefore it is rejected under the same rationale as Claim 60.

69. (Previously presented) The system of claim 67 wherein the data entered by said security guard into said wireless handheld computing device is selected from a group of pre-inputted data sets.

Claim 69, has similar limitations as of Claim 61, therefore it is rejected under the same rationale as Claim 61.

70. (Previously presented) The system of claim 67 wherein said notification is selected from the group consisting of a text message to a mobile telephone, an instant message on a personal computer or wireless handheld computing device, a pop-up box on a personal computer or wireless handheld computing device, a signal to a pager, and an automated telephone call.

Claim 70, has similar limitations as of Claim 64, therefore it is rejected under the same rationale as Claim 64.

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71. (Currently amended) A system for managing security personnel on a real property site, such as a building, an office complex comprising a number of buildings, and/or a property management company having multiple buildings and multiple sites, comprising:

a) a database server for storing information regarding a plurality of security tours within the real property site, each tour including a plurality of posts to be visited on said tour and instructions describing tasks to be performed at each of said posts;

b) at least one wireless handheld computing device comprising an updateable display means for presenting instructions to a security guard from the system in real-time and input means for entering data into said wireless handheld computing device;

c) a networked server for allowing direct real-time wireless handheld computing device access to the system and the database server; and

d) an interface device for allowing at least one manager to input data into and receive data from the system in real-time;

wherein instructions are wirelessly transmitted from said networked server to said wireless handheld computing device instructing said security guard to perform specific tasks on a security tour;

wherein said instructions are displayed on said updateable display means of said wireless handheld computing device;

wherein said security guard enters data into said wireless handheld computing device using said input means;

wherein said entered data is wirelessly transmitted from said wireless handheld computing device to said networked server and thereafter stored in said database server;

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wherein said database server is updated in real time of any changes or adaptations in said security tour based on new items or incidents reported by said security guard via said wireless handheld computing device or added by a property manager; and

wherein said changes or adaptations are wirelessly transmitted in real time from said networked server to said wireless handheld computing device thereby allowing said security guard to adapt or change the security tour accordingly.

Claim 71, has similar limitations as of Claims 59 and 67, therefore it is rejected under the same rationale as Claims 59 and 67.

72. (Previously presented) The system of claim 71, wherein at least one notification is generated in real-time substantially containing the data comprising said new items or incidents; and

wherein said notification is communicated to the property manager.

Claim 72, has similar limitations as of Claims 59 and 66, therefore it is rejected under the same rationale as Claims 59 and 66.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Ellul, US Pat. 3,781,845. Centralized Security System Employing a Magnetic Checking Device.

ABSTRACT:

A replacement for the watchman's clock and key system employed by security guards to verify that security tours are properly made. In this new system, the guard carries a card with magnetizable rods in it instead of the watchman's clock. He then proceeds to a number of checking stations along the route of his security tour where, instead of the key which is inserted into the watchman's clock, there are a number of boxes into which the magnetizable card is inserted. These boxes contain magnets which may or may not effect the magnetization of the bars in the card. When the tour is completed the guard inserts the card into a reporting station where the magnetic card is checked. If the security tour has been made properly the right rods will be magnetized in a particular manner by the magnets in the boxes and the checking station will send a signal to a central recording station to indicate completion of a properly executed tour. If the tour was not properly made and the proper bars magnetized, no such signal is sent to the recording station and the guard is told so. The guard must then report into the central location or repeat the round.

2. Yoshie et al. US PGPub. 2003/0135349 (Yoshie). System for diagnosing facility apparatuses, managing apparatus and diagnostic apparatus.

ABSTRACT:

The present invention relates to a system for managing and diagnosing a state of a facility apparatus, and an object thereof is to provide a system for diagnosing the facility apparatus wherein, if information falling under a level of abnormality is extracted from gathered information on an operating state of the facility apparatus, an advanced analysis and diagnosis section on a facility diagnosis center side performs an advanced analysis and diagnosis process and promptly notifies a user side of the information on the best way of dealing with the facility apparatus determined to be abnormal, and further uploads a facility management data analysis program from the advanced analysis and diagnosis section to a facility monitoring section on the

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user side so that raw information of a large information amount can be analyzed on the user side without sending it to the facility diagnosis center side.

A facility management data processing section (3a) signal-processes facility state detecting information detected by facility state detectors (2a, 2b) mounted on a facility apparatus (1), a facility state determining section (4) determines a level of the signal-processed information comparing with a management reference value and outputs it, the facility monitoring section (5) gathers and processes the information related to the level-determined facility apparatus (1) and sends it to the advanced analysis and diagnosis section (6) via a communication network (10), and the advanced analysis and diagnosis section (6) performs an advanced analysis of the information and identifies a cause of the abnormality of the facility apparatus (1) concerned and improvement measures thereof to send the identified results to the facility monitoring section (5). In addition, it is characterized in that the facility management data analysis program is uploaded from the advanced analysis and diagnosis section (6) to the facility monitoring section (5) so that the advanced analysis can be performed on the user side B.

3. Zaks et al. US PGPub. 2003/0078798. Computerized maintenance management system.

ABSTRACT:

A computerized maintenance management system for handling, among other things, an organization's payroll, billing, maintenance needs, employee information, employee time sheets, purchasing, inventory, environmental issues, reports, census information, school safety issues, equipment identification, vendor access, and user security. The system includes various modules that work together to manage all aspects of a maintenance facility's work orders generated to maintain the organization's buildings and other structures. A work order module is used for entering, tracking, and communicating the work orders to various organization personnel.

4. Vivadelli et al. US PGPub. 2004/0267623. System and method for managing workplace real estate and other resources.

ABSTRACT:

Organizations can proactively manage and reserve shared resources, such as workspaces, equipment and services, as well as report on the utilization of those resources across departments

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and facilities using the system of the present invention. Work-place management tools as provided by the present invention can be used to manipulate resources in real-time, automate inefficient processes, and track and analyze usage patterns, in order to make wise short-and long-term space and resource decisions.

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Response to Arguments

Claim Rejections – 35 USC § 103

On pages 8-9 of Applicant's response, Applicant argues that his amendment is to clarify that all communications are performed in "real-time."

Specifically, Applicant has amended the independent claims to clarify that all communications in Applicant's system and method are performed in real-time, including all communications to and from the wireless handheld computing device as well as all alerts and generated reports. On page 13 of the Office Action, the Examiner cites Dividock, Col, 8, lines 44-67 as an example of real-time reports. Applicant respectfully submits that the cited portions of Dividock refer to "as-needed" reports that are only generated on a delayed basis if requested by the insurance company claim representative or defense attorney. By contrast, Applicant's reports are generated in real-time without waiting for a request from the property manager, security guard, or any other person. *See* specification, 7 [0091].

Applicant's amendment and arguments that "real-time" communications is not anticipated by the prior art and/or non-obvious over the cited prior art is unpersuasive.

The claims as amended remain rejected for at least the reasons stated below.

Obviousness

Applicant has amended his claims to include the addition of presenting information in “real-time!” Examiner argues that “the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” See KSR Int’l Co. v. Teleflex Inc.

Here, Applicant merely amends his claims to include the familiar element of “real-time” communication. Real-time communication was old and well known in the art at the time of invention. Further, Applicant’s addition of real-time communication to the old and well known claimed devices yields predictable results. Applicant has failed to show or argue how his amendment has provided any new, novel, and/or useful improvement/achievement which would not have been obvious to one of ordinary skill in the art.

No Technological Advance

Further, Examiner finds that this amendment adds “no technological advance.” See MPEP 2143; *Leapfrog Enterprise, Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 82 USPQ2d 1687 (Fed. Cir. 2007). “Applying modern electronics to older mechanical devices has been commonplace in recent years.” *Leapfrog* at pg. 7.

Prior Art

Further, Petite discloses real-time monitoring. See Petite at [0006, 0009].

[0006] One way to classify control systems is by the timing involved between subsequent monitoring occurrences. Monitoring processes can be classified as aperiodic or random, periodic, and real-time. A number of remotely distributed service industries implement the monitoring and controlling process steps through manual inspection and intervention.

[0009] Lastly, a number of environmental and safety systems require constant or real-time monitoring. Heating, ventilation, and air-conditioning systems, fire reporting and damage control systems, alarm systems, and access control systems are representative systems that utilize real-time monitoring and often require immediate feedback and control. These real-time systems have been the target of control systems theory and application thereof for some time.

In addition, Labeledz discloses real-time wireless communication at [0046].

[0046] Turning now to FIG. 1, the system in which the present method can be implemented is generally indicated as part of a preferably wide area network 10. A plurality of client computers ("clients") 12 is connected to a plurality of network servers ("server") 14 via the network 10. As an example, the clients 12 can be network servers, which in turn are connected to workstations 16 within an intranet. In addition, the present invention can be implemented using a variety of connections, such as the Internet or wireless communication system. The connection functions primarily to allow the server and the client to communicate and transfer data preferably but not necessarily using real time communication.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW T. SITTNER whose telephone number is (571) 270-7137. The examiner can normally be reached on Monday-Friday, 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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